

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>DE LAGE LADEN FINANCIAL SERVICES, INC.</b>	:	<b>CIVIL ACTION</b>
	:	
<b>Plaintiff,</b>	:	
	:	
<b>vs.</b>	:	
	:	
<b>DIGITAL PARTNERS OF ARKANSAS, INC.; f/k/a RALPH CROY &amp; ASSOCIATES, INC.; and, RALPH CROY</b>	:	<b>NO. 02-4877</b>
	:	
<b>Defendants.</b>	:	

**ORDER**

**AND NOW**, this 18th day of May, 2004, following a scheduling conference with the parties, through counsel, on said date, it having been reported to the Court that the bankruptcy proceedings involving defendant, Digital Partners of Arkansas, Inc., f/k/a Ralph Croy & Associates, Inc., was dismissed by Order dated November 4, 2003, and this Court having transferred the case to the Civil Suspense File by Order dated June 18, 2003, by reason of the bankruptcy of the said defendant, **IT IS ORDERED** that the case is **TRANSFERRED** from the Civil Suspense File to the Court's active docket.

**IT IS FURTHER ORDERED** that the case shall proceed on the following schedule:

1. On or before July 19, 2004, the parties, through counsel, shall file and serve a joint status report relating to (a) the issues presented by the dismissal of the bankruptcy case, and (b) the need for further proceedings in this Court;
2. If the case is not resolved on or before July 19, 2004, the parties shall have until August 20, 2004, to complete discovery;
3. The parties reported that they did not plan to call at trial any expert witnesses;
4. All trial exhibits shall be marked and exchanged on or before August 27, 2004;
5. Any motions for summary judgment shall be filed and served on or before September 10, 2004. Responses to any such motions shall be filed and served within the time provided under the Local

Civil Rules of this Court. Two copies of any such motions and responses shall be served on the Court (Chambers, Room 12613) when the originals are filed;

6. All parties shall prepare and file with the Clerk of Court their Pretrial Memoranda, in accordance with this Order and Local Rule of Civil Procedure 16.1(c) as follows:

a. Plaintiff - on or before October 15, 2004.

b. Defendant - on or before October 22, 2004.

One (1) copy of each Pretrial Memorandum shall be served on the Court (Chambers, Room 12613) when the original is filed;

7. The case will be placed on the Court's trial list on October 29, 2004;<sup>1</sup>

8. Any party having an objection to: (a) the admissibility of any exhibit based on authenticity; or, (b) the admissibility for any reason (except relevancy) of any evidence expected to be offered, shall set forth separately each such objection in their Pretrial Memorandum. Each objection shall describe with particularity the ground and the authority for the objection;

9. If any party desires an "offer of proof" as to any witness or exhibit expected to be offered, that party shall inquire of counsel prior to trial for such information. If the inquiring party is dissatisfied with any offer provided, such party shall file a motion seeking relief from the Court prior to trial;

10. Because a witness may be unavailable at the time of trial as defined in Federal Rule of Civil Procedure 32(a)(3), the Court expects use of oral or videotape depositions at trial of any witness whose testimony a party believes essential to the presentation of that party's case, whether that witness is a party, a non-party or an expert. The unavailability of any such witness will not be a ground to delay the commencement or progress of an ongoing trial. In the event a deposition is to be offered, the offering party shall file with the Court, prior to the commencement of the trial, a copy of the deposition

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1. The case will be tried non-jury. The estimated trial time is two (2) to three (3) days.

transcript, but only after all efforts have been made to resolve objections with other counsel. Unresolved objections shall be noted in the margin of the deposition page(s) where a Court ruling is necessary and a covering list of such objections supplied therewith;

11. The parties shall meet to prepare a complete and comprehensive stipulation of uncontested facts pursuant to (d)(2)(b)(2) of Local Rule of Civil Procedure 16.1; two (2) copies of such stipulation shall be submitted to the Court (Chambers, Room 12613) at least three (3) days before the case appears on the trial list. The original shall be filed with the Clerk of the Court;

12. At least three (3) days before the case appears on the trial list, each party shall submit to the Court (Chambers, Room 12613) two (2) copies of (a) proposed findings of fact and conclusions of law, (b) motions in limine, and (c) a trial memorandum on the legal issues involved in the case. The originals shall be filed with the Clerk of the Court; and,

13. At the commencement of trial, the Court should be supplied with two (2) copies of each exhibit, and three (3) copies of a schedule of exhibits which shall briefly describe each exhibit.

**BY THE COURT:**

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**JAN E. DUBOIS, J.**